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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/809,179
Filing Date: March 25, 2004
Appellant(s): CAMP, WILLIAM O.

Timothy J. Wall
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/24/2007 appealing from the Office action mailed 1/25/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 1, 3-16 and 18-38 appears on page 11 of the Appendix to the appellant's brief. The minor error is as follows: in claim 5, "long-rang e" should be replaced with "long-range".

(8) Evidence Relied Upon

| | | |
|--------------|--------------|---------|
| 2003/0054794 | Zhang | 3-2003 |
| 2001/0054114 | DuVal et al. | 12-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang (US 2003/0054794).

Regarding claims 1 and 16, Zhang teaches a handheld electronic device (Fig. 1 [30]) comprising memory configured to store image data within the handheld electronic device; (Page 2 [0027])

a transmitter configured to provide a wireless link with a remote electronic display ;(Fig. 1 [30], Page 2 [0027] and Page 3 [0040])

a controller coupled to the memory and to the transmitter wherein the controller is configured to provide the image data in an Internet protocol format and wherein the transmitter is configured to transmit the image data over the wireless link in the Internet protocol format; (Page 2 [0028-0032], Page 3 [0040-0047] and Page 5 [0061]) and

a user interface coupled to the controller wherein the user interface is configured to accept user input of pointer commands and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display. (Page 2 [0027-0032] and Page 5 [0061-0062])

Regarding claims 3 and 18, Zhang teaches the pointer commands are transmitted in the Internet protocol format. (Page 5 [0061-0062])

Regarding claims 4 and 19, Zhang teaches the pointer commands are transmitted in a format other than the Internet protocol format. (Page 1 [0008] e.g. the proprietary project "Pebbles")

Regarding claims 5 and 20, Zhang teaches the transmitter comprises a short range transmitter, the handheld electronic device further comprises a long range transceiver to provide long-range communications. (Pages 2-3 [0039-0040])

Regarding claims 6 and 21, Zhang teaches the transmitter is configured to provide a wireless link according to at least one of a WiFi standard, a BlueTooth standard and/or an infrared standard. (Page 3 [0040])

Regarding claims 7 and 22, Zhang teaches the Internet protocol format comprises at least one of HTML and/or XML. (Page 5 [0061])

Regarding claims 8 and 23, Zhang teaches the controller further provides at least one of a contacts database, a calendar, an e-mail transmitter/receiver, a digital music player and/or a wireless Internet browser. (Page 2 [0039] and Page 5 [0064-0067])

Regarding claims 9 and 24, Zhang teaches the image data comprises a slide presentation. (Page 1 [0008])

Regarding claims 31 and 35, Zhang teaches a transmitter (Page 3 [0040-0042] Bluetooth, 802.11...) is configured to provide the wireless link with the remote electronic display (Fig. 1 [24]) including an Internet protocol browser (Fig. 3 [90 & 96], Page 3 [0047] and Page 5 [0067]), wherein the pointer commands are used to control a pointer function of the Internet protocol browser of the remote electronic display (Page 5 [0061-0062] control command), and wherein the controller and the transmitter are configured

to transmit the pointer commands over the wireless link to the remote electronic display to control the pointer function of the Internet protocol browser. (Page 5 [0061-0062], Fig. 6a & Fig. 6b)

Regarding claims 32 and 36, Zhang teaches the controller is configured to act as a server with respect to the browser of the remote electronic display acting as a client. (Page 5 [0062])

Claims 10-15, 25-30, 33, 34, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by DuVal et al. (US 2001/0054114 hereafter, DuVal).

Regarding claims 10 and 25, DuVal teaches an electronic display device (Fig. 1 [10] and Page 1 [0009]) comprising a display configured to display electronic data (Page 1 [0008-0010]), an Internet protocol browser, wherein the Internet protocol browser is configured to receive image data and pointer commands from a handheld electronic device without a wired coupling to the handheld electronic device, wherein the image data is received at the Internet protocol browser in an Internet protocol format, and wherein the Internet protocol browser is configured to provide the image data visually using the display responsive to the pointer commands from the handheld electronic device. (Page 1 [0005, 0008-0012] and Page 2 [0015-0019])

Regarding claims 11 and 26, DuVal teaches the display comprises at least one of a monitor and/or a projector. (Fig. 1 [10] and Page 1 [0009])

Regarding claims 12 and 27, DuVal teaches the pointer commands are received at the Internet protocol browser in the Internet protocol format. (Page 1 [0013] and Page 2 [0021])

Regarding claims 13 and 28, DuVal teaches the pointer commands are received at the Internet protocol browser in a format other than the Internet protocol format. (Page 2 [0022])

Regarding claims 14 and 29, DuVal teaches the Internet protocol format comprises at least one of HTML and/or XML. (Fig. 1, Page 2 [0016] and Page 3 [0029])

Regarding claims 15 and 30, DuVal teaches the image data comprises a slide presentation. (Page 1 [0008])

Regarding claims 33 and 37, DuVal teaches the pointer commands are used to control a pointer function of the Internet protocol browser. (Page 2 [0016-0017])

Regarding claims 34 and 38, DuVal teaches the browser is configured to act as a client with respect to a controller of the hand held electronic device acting as a server. (Page 2 [0016-0017])

(10) Response to Argument

In response to the appellant's argument regarding *the initial matter*, Appellant notes that the Final Action admits that Zhang does not use pointer commands, but alleges that the equivalent is an application specific control interface containing buttons and menus (Pages 5-6), the examiner agrees.

Upon further review of independent claim 1, an apparatus claim, it is noted by the examiner that the hand-held device have a controller and transmitter configured to

Art Unit: 2617

transmit commands over a wireless link and that the specific type of command (pointer) is recitation of an intended use of the hand-held device and not pertinent to the patentability of an apparatus claim. Zhang clearly teaches a handheld electronic device (Fig. 1 [30]) comprising: memory (inherently taught in Page 2 [0027] *i.e.* PDA user tries to view some data that the PDA 30 cannot display & explicitly taught in Page 4 [0054] *i.e.* handheld devices such as WAP phones that only has very small memory size), a transmitter (Page 3 [0040]), a controller (Page 1 [0004] *i.e.* data processing engine) coupled (Page 3 [0048]) to the memory (Page 4 [0054]) and to the transmitter (Page 3 [0040]), a user interface (Page 5 [0061-0062]) coupled to the controller.

In response to the appellant's argument regarding *the appellant submits that the Final Action erroneously cites language regarding how a pointer command may be generated as defining a pointer command and that a pointer, which is a component of a graphical user interface, is a graphical image that indicates the location of a pointing device that can be used to select and move objects or commands* (Page 6), the examiner disagrees.

As an initial matter, the examiner would like to point out the fact that the appellant claims "transmit the pointer commands", not a pointer. Further, the examiner would like to point to the Appellant's arguments submitted after final dated 3/22/2007, where the Appellant submitted the "definition" of a pointer as cited in a Wikipedia article dated 3/14/2007 (Page 9) instead of citing a location in the original specification where the definition was disclosed. The appellant clearly states in the original specification how a

"pointer command" is generated, by being "generated by the controller 111 responsive to user input through a joy stick, directional key, touch sensitive pad, touch sensitive display, dial, etc. of the user interface 113." (Page 8 [1-13]) The examiner is correlating "pointer commands" to the data being transmitted in response to a user activating a command option on a "graphical interface with control buttons such as "play", "pause" and "fast forward"" (e.g. "pointer commands") wherein "activating one of these links..." (e.g. "pointer commands") "will result in the server receiving the control command and subsequently taking proper actions". (Fig. 6 and Page 5 [0062])

Zhang clearly teaches the handheld device can be a PDA (Fig. 1 [30]) and Page 5 [0062]), which one of ordinary skill would recognize to include a touch sensitive display. Zhang teaches the handheld device creates a "graphical interface with control buttons such as "play", "pause" and "fast forward"." (Page 5 [0062]) which are then transmitted to the remote server when implemented by the user. (Page 5 [0062]) Since the appellant's specification states a "pointer command" is generated in response to user input of a touch sensitive display (Page 8 [1-13]), the examiner's correlation of the teachings in Zhang is not misguided, but instead anticipates the appellant's claim.

In response to appellant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "dynamic pointer" Page 6) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the appellant's argument regarding *that control buttons and/or menus may be used, accessed and/or selected by a pointer in some graphical user interfaces* (Page 6 last full para), the examiner agrees.

The appellant is admitting to the use of a pointer in a graphical user interface like the system taught by Zhang. The examiner's view of Zhang is a PDA (Fig. 1 [30]) with a touch screen interface, which can wirelessly (Page 3 [0040]) search (Page 2 [0029]) for and find a remote server (server can be a display Page 2 [0027] & Page 3 [0039]) for displaying data (like a slideshow Page 1 [0008]), receives the capabilities of the remote server in order to build a graphical user interface for remote control (Page 2 [0032]) and transmits the remote control commands to the remote server. (Page 2 [0032] "remotely controls the task on the helper server according to user interaction with the handheld device") Zhang clearly teaches the transmission of commands as the result of user input. (Page 5 [0061-0062])

In response to the appellant's argument that *nothing in Zhang teaches or suggests to transmit pointer commands over a wireless link to a remote electronic display* (Pages 6-7), the examiner disagrees.

Zhang clearly teaches multiple wireless communication capabilities including Bluetooth, 802.11 and infrared (Page 3 [0040]) for communicating between the

handheld device and the helper server. (Page 3 [0049]) Zhang clearly teaches transmitting to a handheld device, a remote control interface for controlling the remote server (Page 3-4 [0049] *i.e.* data transfer and remote control interaction exchange and Page 5 [0061-0062]), which can clearly include a remote display device. (Pages 2-3 [0039])

In response to the appellant's argument that *Zhang appears to teach away from such transmission* (Page 7), the examiner disagrees.

Zhang does teach receiving the remote control interface description (Page 2 [0032]), but also teaches transmitting from a handheld device, the remote control interface user input commands for controlling the remote server. (Page 2 [0032] "remotely controls the task on the helper server according to user interaction with the handheld device", Page 3-4 [0049] *i.e.* data transfer and remote control interaction exchange and Page 5 [0061-0062] "play, pause and fast forward")

In response to the appellant's argument regarding *DuVal does not appear to include any disclosure related to an electronic display device having an Internet browser configured to receive image data and pointer commands from a hand-held electronic device...wherein the Internet protocol browser is configured to provide the image data visually using the display responsive to the pointer commands from the hand-held electronic device* (Page 8), the examiner disagrees.

DuVal teaches a PDA (Fig. 1 [11]), storing image data (Page 1 [0008] HTML data 12) to be transmitted to a display device (Fig. 1 [10]) and pointer commands (received by the PDA after an interrogation of the display device [Page 2 0016]) in order control the display by the PDA. (Page 2 [0016] "internet access device 11, in addition to controls integrated into the display device 10, can be used for user control"). Therefore, DuVal meets the limitations of claims 10 & 25

In response to the appellant's argument regarding *XML commands* (Pages 8-9), the examiner disagrees.

As can be seen in the similarity of definitions of the XML commands from the examiner would like to point to the Appellant's arguments submitted after final dated 3/22/2007, where the Appellant submitted the "definition" of a XML as cited in a Wikipedia article dated 3/14/2007 (Page 12), the article is not considered by the examiner because it does not represent a view of the art from March 25, 2004 or earlier than the filing date of the application. DuVal teaches the use of XML commands for interrogating a remote display device (Fig. 1 [10]) in order to create a functional user interface to display on the mobile device (Fig. 1 [11] and Page 2 [0016]) and is used as the command language for controlling the display device. (Page 2 [0021])

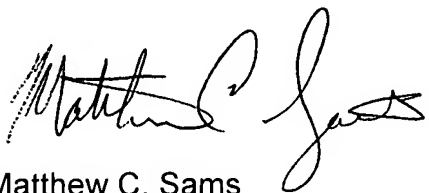
Art Unit: 2617

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



Matthew C. Sams
9/23/2007

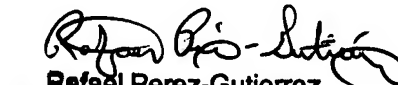
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